

1 John White, Esq.,
 2 SB #1741
 3 335 West First Street
 4 Reno, NV 89503
 Telephone: (775) 322-8000
 Facsimile: (775) 322-1228
john@whitelawchartered.com
 Attorney for the Unsecured Creditors, Specialty Equipment
 Services, LLC., and Active Assets Management LLC.

E-filed on: July 21, 2010

7
 8 **UNITED STATES BANKRUPTCY COURT**

9 **DISTRICT OF NEVADA**

10 In re: Chapter 7

11 WES CONSTRUCTION COMPANY, INC.,)
 12 a Nevada corporation,)
)

CASE NO: BK-N-09-52177-gwz
 BK-N-09-52178-gwz
 BK-N-09-52181-gwz

13 HEAVY EQUIPMENT SERVICES, LLC,)
 14 a Nevada limited liability company,)
)

(Jointly administered under 09-52177)

15 TRUCKING SERVICES, LLC.,)
 16 a Nevada limited liability company,)
)

NOTICE OF HEARING ON:
 1) PLEADING IN RESPONSE
 TO STEVE BENNYHOFF'S
 STATEMENT REGARDING HIS
 DISINTERESTEDNESS IN
 SUPPORT OF HIS APPLICATION FOR
 EMPLOYMENT BY THE TRUSTEE,
 and, 2) DECLARATION OF JOHN WHITE
 IN SUPPORT OF PLEADING IN
 RESPONSE TO STEVE BENNYHOFF'S
 STATEMENT REGARDING HIS
 DISINTERESTEDNESS IN SUPPORT OF
 HIS APPLICATION FOR EMPLOYMENT
 BY THE TRUSTEE.

23)
 24 Debtors-in-Possession.)
 /)

Hearing Date: September 15, 2010
 Hearing time: 2:00 p.m.
 Estimated time: 15 minutes

25
 26 **NOTICE IS HEREBY GIVEN** that a: 1) PLEADING IN RESPONSE TO STEVE
 27 BENNYHOFF'S STATEMENT REGARDING HIS DISINTERESTEDNESS IN SUPPORT OF
 28

HIS APPLICATION FOR EMPLOYMENT BY THE TRUSTEE, and, 2) DECLARATION OF JOHN WHITE IN SUPPORT OF PLEADING IN RESPONSE TO STEVE BENNYHOFF'S STATEMENT REGARDING HIS DISINTERESTEDNESS IN SUPPORT OF HIS APPLICATION FOR EMPLOYMENT BY THE TRUSTEE, were filed on July 19, 2010. These pleadings seek the following relief: 1) An Order Declaring that Steve Bennyhoff's June 25, 2010 Declaration ("Declaration") does not adequately disclose Mr. Bennyhoff's connections with the Debtor, and in the alternative, for 2) An Order Declaring that the Declaration shows that Mr. Bennyhoff is a creditor in this case and is therefore not disinterested. Any opposition must be filed pursuant to Local Rule 9014 (d)(1).

NOTICE IS FURTHER GIVEN that if you do not want the court to grant the relief sought in the above pleadings, or if you want the court to consider your views thereon, then you must file an opposition with the court, and serve a copy on the person making the above pleadings ***no later than 14 days*** preceding the hearing date for the above, unless an exception applies (see Local Rule 9014(d)(3)). The opposition must state your position, set forth all relevant facts and legal authority, and be supported by affidavits or declarations that conform to Local Rule 9014(c).

If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the court, or if you do not serve your written response on the person who sent you this notice, then:

1 **NOTICE IS FURTHER GIVEN** that the hearing on the said Motion will be heard before a
2 United States Bankruptcy Judge, in the Clifton Young Federal Building, 300 Booth Street, First
3 Floor, Bankruptcy Courtroom, Reno, Nevada 89509 on September 15, 2010, at the hour of 2:00
4 p.m.
5

6 DATED: July 21, 2010.

WHITE LAW CHARTERED

7 By: _____
8

John White, Esq.,
9 Attorney for the Unsecured Creditors and
other moving creditors
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WHITE LAW
CHARTERED
LAWYERS
20TH CENTURY BLDG.
335 W. FIRST STREET
RENO, NV 89503

T (775) 322-8000
F (775) 322-1228

1 CERTIFICATE OF SERVICE
23 I hereby certify that on the 21st day of July 2010, I served a true and correct copy of the attached
4 NOTICE OF HEARING, as follows:5 X a. ECF System, on the 21st day of July, 2010:

6 Bruce Thomas Beesley bbeesley@lrlaw.com, rmaples@lrlaw.com
 7 Janet L. Chubb tbw@jonesvargas.com
 8 Stephen R. Harris noticesbh&p@renolaw.biz
 9 Jeffery L. Hartman notices@bankruptcreno.com, dlg@bankruptcreno.com
 10 Christopher D. Jaime cjaime@waltherkey.com, kbernhar@waltherkey.com
 11 Timothy A. Lukas ecflukast@hollandhart.com
 12 Laury Miles Macauley lmacauley@lrlaw.com, rmaples@lrlaw.com
 13 Alan R. Smith mail@asmithlaw.com,
 14 turk@asmithlaw.com, marsh@asmithlaw.com
 15 U.S. Trustee - RN11 USTPRegion17.RE.ECF@usdoj.gov
 16 Caryn S. Tijsseling ctjsseling@lrlaw.com, kschaaf@lrlaw.com
 17 Richard D. Williamson rich@nvlawyers.com, eileen@nvlawyers.com

18 X b. United States mail, postage fully prepaid, on the 21st day of July, 2010, to the
19 interested parties at the addresses listed as follows:
20

21 Steve Bennyhoff
 22 2835 Santa Ana Drive
 23 Reno, NV 89502-4929
 24
 25 SPECIALTY EQUIPMENT SERVICE, LLC
 26 Active Asset Management, LLC
 27 Neil Brandon
 28

1 8640 Canyon River Dr.
2 Sparks, NV 89434

3 Gary Dayton
4 7190 Lindsay
5 Sparks, NV 89441

6 Valley Concrete
7 c/o Jay Gore
8 601 S. 15th St.
9 Sparks, NV 89431

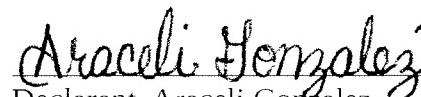
10 Lyle Kibbee
11 11310 Corner Brook Court
12 Reno, NV 89511

13 X c. by Personal Service on July 21, 2010 (via Reno Carson Messenger Services) to the
14 following:

15 UNITED STATES BANKRUPTCY COURT
16 The Honorable Gregg W. Zive
17 Clerk's Office
18 300 BOOTH STREET
19 RENO, NV 89509-1361

20 I declare under penalty of perjury that the foregoing is true and correct.

21 Signed on: July 21, 2010.

22 
23 _____
24 Declarant, Araceli Gonzalez,
25 Employee, White Law Chartered
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